

County Attorney

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MISSION

The mission of the County Attorney's office is to provide timely, sound and effective legal advice to, and legal representation of, the County Government.

DESCRIPTION

The Office of the County Attorney has several functions: to advise the County boards, commissions, agencies and officials; to represent the County in judicial proceedings and before administrative agencies; to provide legal services in transactional matters involving the County, such as contracts, financings, real estate transactions, bonds and dedications associated with land development applications, and inter-jurisdictional and inter-agency agreements; and to prepare or review ordinances and regulations. These functions are managed under one program: Legal Counsel.

BUDGET OVERVIEW

FY 07 Issues, Challenges and Trends: Over the last decade, the County has witnessed increasing demands upon legal counsel in all of these functional areas. The following summarizes some of the current and anticipated challenges for the office:

- *Land Development:* There will be a sustained demand for the services of legal counsel to assist in the management of new growth in the County. Throughout the 1990's the office has seen a substantial workload increase in the review of proffers, deeds, performance bonds and other legal documents associated with land development approvals. The implementation of proffer, zoning, subdivision and site plan requirements involves the office in various other ways. The projections for new residential and commercial growth indicate that these workloads will be sustained or will increase for the foreseeable future. To the extent that the Board wishes to initiate changes to land use policies and regulations, assistance of legal counsel will be required.
- *Transactional Matters:* The County Attorney's Office is involved in a range of transactional matters. In particular, procurement activities require the office to review contract documents and advise on disputes about contract performance. In addition, legal counsel plays an essential role in financing and capital projects, which have become more numerous and complex. Finally, legal counsel usually plays a central role in the establishment of innovative vehicles to build infrastructure such as public private partnerships, special taxing districts and community development authorities. Such projects are being pursued more aggressively and require increased legal support.
- *Taxation:* Tax assessment and collection efforts involving the office have fluctuated with the economy. Even in boom times, however, the County now experiences a base level of tax assessment challenges, largely due to the presence of more complex appraisal subjects as the County develops. The tax collection cases were brought in-house a number of years ago, and there is a sustained volume of work from year to year. In the event of an economic downturn, there will most likely be a significant increase in these workloads. This office has increased support to the Treasurer, Commissioner of Revenue and Assessor, including handling of bankruptcy matters, proactive collection efforts, and response to opinion requests.
- *Regulatory Enforcement:* Civil enforcement of County regulations includes zoning, erosion and sediment control and solid waste regulations. Increasing demands have been placed on the office to support a more active enforcement program.
- *General Government:* Increasing demands for legal services come from a wide range of other County activities, departments and agencies. Areas requiring substantial legal support include: Freedom of Information Act requests, personnel law, social services representation, legal services to public safety agencies, preparation of ordinances, housing programs, and cable franchise regulation and compliance.
- *Litigation:* Actions on land use matters, including the revision of the County's land use plans and regulations, have resulted in various legal challenges requiring an active defense. A substantial contingency has been established to defend regulatory changes, and this contingency should be reviewed periodically to ensure that it is maintained at an appropriate level. With respect to other litigation involving damage claims, these are generally handled by insurance counsel.

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FY 07 Major Goals:

- Manage County legal risks through timely, sound advice and strong advocacy.
- Provide sound and effective advice in support of Board priorities and initiatives.
- Provide ongoing, timely legal support to county officials and departments in the following lines of business: Transactions, Land Development, Public Safety, Employment Law, Land Development, Regulatory Enforcement, Social Services, and other general government activities.

FY 06 Major Achievements:

- Managing increasing demands for legal services with constrained resources.
- Improved turnaround times for review of land development applications (multi-year).
- Increased regulatory enforcement efforts over (multi-year).
- Increased support of tax collection efforts including monitoring bankruptcy filings for tax officials (multi-year).

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Department Financial Summary

Departmental Financial Summary	FY 03 Actual	FY 04 Actual	FY 05 Actual	FY 06 Adopted	FY 07 Adopted
Expenditures					
Personnel	\$1,327,787	\$1,428,535	\$1,536,017	\$1,773,000	\$1,976,000
Operations & Maintenance	3,265,284	2,031,930	639,600	133,000	145,000
Total Expenditures:	\$4,593,071	\$3,460,465	\$2,175,617	\$1,906,000	\$2,121,000
Revenue					
Local Fees, Charges, Etc	\$153,166	\$61,526	\$147,882	\$109,000	\$172,000
Total Revenues:	\$153,166	\$61,526	\$147,882	\$109,000	\$172,000
Local Tax Funding:	\$4,439,905	\$3,398,939	\$2,027,735	\$1,797,000	\$1,949,000
FTE Summary:	17.00	19.00	17.00	19.00	20.00

FY 07 Board Action: The FY 07 Adopted Fiscal Plan for the County Attorney's Office includes enhancements totaling 1.00 FTE and \$104,000 in additional local tax funding for an attorney. The FY 07 budget also includes funding for implementation of compensation increases and increased benefits costs effective September 2006. Revenue increases are reflective of the revised cost allocation model for land development revenue.

Budget History:

FY 03 Mid-Year: The Board of Supervisors approved enhancements totaling 2.00 FTE (Assistant County Attorney and paralegal) for litigation and taxation support.

FY 04: 2.00 FTE were eliminated (Assistant County Attorney and paralegal).

FY 06: The Board added 2.00 FTE for paralegal and capital projects support.

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Planned Accomplishments/Objectives for FY 07

Goal: Provide legal services in support of the general county government.

Objective: Deliver effective and timely advice or representation based on established priorities.

<i>Performance Measures</i>	Actual FY 04	Actual FY 05	Est. FY 06	Proj. FY 07
Litigation (non-tax): land use, general litigation, personnel, enforcement (does not include actions resolved prior to filing of lawsuit), and Social Services. (New cases opened does not reflect average open caseload, including matters filed in prior years).	153	144	120-150	120-150
Land Development (legal documents, subdivision/site plan review)				
Submissions Received	1,747	1,672	1,500-2,000	1,500-2,000
Submissions Reviewed	1,762	1,566	1,500-2,000	1,500-2,000
Turnaround (calendar year)				
Within 10 days	62%	54%	51%	51%
Within 20 days	83%	85%	80%	80%
Within 30 days	91%	93%	92%	92%
Tax collection cases (bankruptcy, tax foreclosure, SCC filings, priority tax project)	62	16	25-50	25-50
New files opened, written request for opinions/advice	452	400	425-500	425-500